

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

STEVEN HOPKINS,

Plaintiff,

v.

CIVIL ACTION NO. 3:14-0356

C.O. ATKINS, individually and in his official capacity
as a correctional officer of The West Virginia Regional
Jail and Correctional Facility Authority, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On February 25, 2015, Defendant Matthew Adkins filed the instant Motion for Partial Summary Judgment with respect to the following claims: (1) Count One, insofar as it alleges violations of the Fourth, Eighth, and Ninth Amendments to the United States Constitution; (2) Count Two, insofar as it is duplicative of claims asserted in Count Four; (3) Count Four, only with respect to Plaintiff's claim of common law invasion of privacy; and (4) Count Five, presenting a stand-alone cause of action for damages. ECF No. 51. On March 12, 2015, Plaintiff timely filed a Response, explaining that Plaintiff has no objection to the instant motion. ECF No. 55.

Upon review of Defendant's motion, the Court similarly recognizes that summary judgment is appropriate. Accordingly, for reasons appearing to the Court, Defendant's Motion for Summary Judgment (ECF No. 51) is **GRANTED**, and Plaintiff's claims against Defendant Adkins alleging violations of the Fourth, Eighth, and Ninth Amendments within Count One, a duplicative outrage claim in Count Two, common law invasion of privacy within Count Four, and a stand-alone claim of damages in Count Five are **DISMISSED**. Counts One (with respect to

claims raised under the Fourteenth Amendment), Four (apart from invasion of privacy), and Six remain pending against Defendant Adkins. The Court **DIRECTS** the Clerk to send a copy of this Order to Counsel of record and any unrepresented parties.

ENTER: March 30, 2015



ROBERT C. CHAMBERS, CHIEF JUDGE